IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY & INTESTATE JURISDICTION

MISC. PETITION NO.11 OF 2007
IN
PETITION NO.839 OF 2003

Claude Pereira & Ors. ....Petitioners
V/s.
Aloysius Michael Pereira & Anr. ....Respondents

Mr.J.M. D'Silva for the Petitioners.

Mr.D.R. Jhuriya for Defendant Nos.1 and 2.

Ms.Mugdha Gargalkar, AGP for Respondent No.3.

CORAM : S.J. VAZIFDAR, J.
DATED : 3RD SEPTEMBER, 2007.

P.C. :

1. The Petition is disposed of by the following order :-

i). The Petition is made absolute in terms of prayer (a).

ii). Petition No.839 of 2003 shall be heard and decided afresh after going through the entire procedure commencing from the point of institution of the Petition. It is agreed that the Petitioner shall be entitled to file a caveat in Petition No.839 of 2003 and

contest the same.

iii). The parties have stated that they do not insist on reasons for this order.It is however clarified that this order does not reflect on the merits of the respective contentions of the parties and is without prejudice to the same.

2. The Petition is accordingly disposed of.